

* Your First Name: **Justin** * Your Last Name: **Shafer**

Phone:

| Phone Number | Usage |
|----------------|-------------|
| (817) 909-4222 | Home / Cell |

Street Address Line 1:* **7704 Sagebrush Ct. S.**

Street Address Line 2:

* City: **North Richland Hills**

* Country:USA * ZIP: **76182** Email Address (If available):
 State:Texas **justinshafer@gmail.com**

Are you filing this complaint for someone else?: **No**

Who (or what agency or organization, e.g., provider, health plan) do you believe violated your (or someone else's) health information privacy rights or committed another violation of the Privacy Rule?

* Person or Agency/Organization?: **Agency/Organization**

Agency/Organization: **Dansville Dental Professionals LLC**

* Street Address Line 1: **25 Red Jacket Street**

Street Address Line 2:

* City: **Dansville**

* State:New York Country:USA ZIP:14437

ZIP:

| Phone Number | Usage |
|----------------|-------|
| (585) 335-2201 | Work |

*** When do you believe that the violation of health information privacy rights occurred?**

Date(s) Selected:

| Violation Date |
|----------------|
| 09/18/2016 |

Describe briefly what happened. How and why do you believe your (or someone else's) health information privacy rights were violated, or the privacy rule otherwise was violated? Please be as specific as possible.. (Attach additional pages as needed)

I found a file on a public ftp server back in September. This file was a virtual machine backup file. When I restored the file, I found patient data to two seperate dental offices. One office database held information on 55 thousand patients, the other database held information on 37 patients.

The dentist that managed the public ftp server, his office was the database that had 37 patients. Both offices use the same practice management software, Dentech, and Dentech distributed Dansville's database to another

dental office, possible more without realizing it.

I have heard a recent rumor that Dentech has possibly erased the logs on the FTP server making it hard for Dansville Dental to truly know if anyone downloaded this virtual machine file other than myself.

I still have the virtual machine file and all the information that led to me finding this database file. I emailed PogoWasRight\Dissent the day I found it, but I have hoped that Dansville would notify the secretary of this databreach. It has been passed 60 days, I haven't heard from Dansville directly, but I have heard through the grapevine that they are dragging their feet and have yet to notify HHS or patients of the breach.

I ask that you use your guidance in this matter.

Sincerely,

Justin M. Shafer
Onsite Dental Systems

Filing a complaint with OCR is voluntary. However, without the information requested above, OCR may be unable to proceed with your complaint. We collect this information under authority of the Privacy Rule issued pursuant to the Health Insurance Portability and Accountability Act of 1996. We will use the information you provide to determine if we have jurisdiction and, if so, how we will process your complaint. Information submitted on this form is treated confidentially and is protected under the provisions of the Privacy Act of 1974. Names or other identifying information about individuals are disclosed when it is necessary for investigation of possible health information privacy violations, for internal systems operations, or for routine uses, which include disclosure of information outside the Department for purposes associated with health information privacy compliance and as permitted by law. It is illegal for a covered entity to intimidate, threaten, coerce, discriminate or retaliate against you for filing this complaint or for taking any other action to enforce your rights under the Privacy Rule.

You are not required to use this format. You may write a letter or mail a complaint with the same information. To mail a complaint, please send to HHS Office for Civil Rights, Central Intake Unit, 200 Independence Avenue, S.W., Room 509 F, Washington, D.C. 20201.

* **Signature:** AGREE: I have read, understand, and agree to the above.

Do you need special accommodations for us to communicate with you about this complaint?

Electronic mail

If we cannot reach you directly, is there someone we can contact to help us reach you?

No entries

Have you filed your complaint anywhere else? If so, please provide the following . (Attach additional pages as needed)

Filed
Elsewheres:

| Person/Agency/Organization/Court Name | Date Filed | Case Number (If known) |
|---------------------------------------|------------|------------------------|
| No records found | | |

To help us better serve the public, please provide the following information for the person you believe had their health information privacy rights violated (you or the person on whose behalf you are filing).

Ethnicity: **Hispanic or Latino**

Race: **American Indian or Alaska Native**
Asian
Native Hawaiian or Other Pacific Islander
Black or African American
White

Primary Language Spoken (if other than English):

How did you learn about the Office for Civil Rights?

Other (specify)

Please specify: **2016, everyone knows what HIPAA is these days hopefully.**

COMPLAINANT CONSENT FORM

The Department of Health and Human Services' (HHS) Office for Civil Rights (OCR) has the authority to collect and receive material and information about you, including personnel and medical records, which are relevant to its investigation of your complaint.

To investigate your complaint, OCR may need to reveal your identity or identifying information about you to persons at the entity or agency under investigation or to other persons, agencies, or entities.

The Privacy Act of 1974 protects certain federal records that contain personally identifiable information about you and, with your consent, allows OCR to use your name or other personal information, if necessary, to investigate your complaint.

Consent is voluntary, and it is not always needed in order to investigate your complaint; however, failure to give consent is likely to impede the investigation of your complaint and may result in the closure of your case.

Additionally, OCR may disclose information, including medical records and other personal information, which it has gathered during the course of its investigation in order to comply with a request under the Freedom of Information Act (FOIA) and may refer your complaint to another appropriate agency.

Under FOIA, OCR may be required to release information regarding the investigation of your complaint; however, we will make every effort, as permitted by law, to protect information that

identifies individuals or that, if released, could constitute a clearly unwarranted invasion of personal privacy.

Please read and review the documents entitled, [Notice to Complainants and Other Individuals Asked to Supply Information to the Office for Civil Rights](#) and [Protecting Personal Informations in Complaint Investigations](#) for further information regarding how OCR may obtain, use, and disclose your information while investigating your complaint.

In order to expedite the investigation of your complaint if it is accepted by OCR, please read, sign, and return one copy of this consent form to OCR with your complaint. Please make one copy for your records.

- As a complainant, I understand that in the course of the investigation of my complaint it may become necessary for OCR to reveal my identity or identifying information about me to persons at the entity or agency under investigation or to other persons, agencies, or entities.
- I am also aware of the obligations of OCR to honor requests under the Freedom of Information Act (FOIA). I understand that it may be necessary for OCR to disclose information, including personally identifying information, which it has gathered as part of its investigation of my complaint.
- In addition, I understand that as a complainant I am covered by the Department of Health and Human Services' (HHS) regulations which protect any individual from being intimidated, threatened, coerced, retaliated against, or discriminated against because he/she has made a complaint, testified, assisted, or participated in any manner in any mediation, investigation, hearing, proceeding, or other part of HHS' investigation, conciliation, or enforcement process.

*** Consent Selection:**

CONSENT: I have read, understand, and agree to the above and give permission to OCR to reveal my identity or identifying information about me in my case file to persons at the entity or agency under investigation or to other relevant persons, agencies, or entities during any part of HHS' investigation, conciliation, or enforcement process.

File Uploaded:

| File Name | Size (Byte) | File Type |
|------------------|-------------|-----------|
| No records found | | |